

New Tack in Impeach Defense

Washington

The House Judiciary Committee was told yesterday that even if it finds that President Nixon has engaged in impeachable conduct it should consider whether it would be in the best interest of the nation to allow him to remain in office.

In an anti-impeachment brief and oral argument presented to the committee, minority counsel Sam Garrison said it is "not only proper but necessary for Congress, having concluded that an officer has engaged in conduct for which he could properly be impeached, then to step back and assess the situation more generally, to determine . . . whether the best interests of the country would be served by his removal or continuance in office."

Garrison presented the Republican argument as the committee moved toward the start of debate on whether to recommend impeach-

ment of the President.

Garrison had been deputy minority counsel until the weekend, when he was elevated to the position of chief representative of the Republican side in the impeachment inquiry. The 17 republican members of the 38-member committee replaced Albert E. Jenner with Garrison after Jenner endorsed the pro-impeachment position taken Friday by

chief committee counsel John Doar. Jenner remained a member of the committee's legal staff.

Yesterday Garrison sought to counter Doar's argument of last week that the President's refusal to comply with committee subpoenas is undermining the ability of the House to conduct its inquiry.

Garrison argued that "an

apparent noncompliance with an impeachment committee's subpoena is the beginning not the end of the question."

He said the committee "lacks any independent evidence that the conversations or other materials subpoenaed involved the commission of a crime (or other offense)."

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